



Charles W. McKee
General Attorney

401 9th Street, NW, Suite 400
Washington, DC 20004
Voice 202 585 1949
Fax 202 585 1892
charles.w.mckee@mail.sprint.com

February 4, 2005

Via Electronic Submission

Marlene H. Dortch, Secretary
Federal Communications Commission
445 12th Street, S.W., Room TW-A325
Washington, D.C. 20554

Re: *Ex Parte* Presentation
Sprint Petition for Declaratory Ruling, CC Docket No. 01-92

Dear Ms. Dortch:

This letter is to inform you that on February 3, 2005, Charles McKee of Sprint Corporation met with Barry Ohlson, Senior Legal Advisor and Scott Bergmann, Legal Advisor to Commissioner Adelstein, to discuss issues related to Sprint's Petition for Declaratory Ruling on Wireless Rating and Routing in CC Docket No. 01-92. A copy of the presentation material distributed and discussed at the meeting is attached hereto.

Pursuant to Section 1.1206 of the Commission's rules, this letter is being electronically filed with your office. Please associate this letter with the file in the above-referenced proceeding.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "Charles W. McKee", with a large, stylized flourish extending from the end of the signature.

Charles W. McKee

cc: Barry Ohlson
Scott Bergmann

**SPRINT PETITION FOR DECLARATORY RULING
WIRELESS RATING AND ROUTING**

CC-01-92

EX PARTE PRESENTATION

February 3, 2005

The Facts Underlying Sprint's Petition

- In 2001, Sprint extended its coverage to Macclenny, FL, an area served by Northeast Florida Telephone (NE-FL), about 20 miles west of Jacksonville.
- Sprint obtained from NANPA “locally rated” numbers so family and neighbors of Sprint customers could be called on a local basis – consistent with the manner in which it provides service in all areas.
- NE-FL and the transit carrier (BellSouth) refused to load Sprint’s local numbers. According to these ILECs, Sprint must interconnect directly with NE-FL in order to provide local services in Macclenny.
- Sprint and NE-FL do not exchange sufficient traffic volumes to justify the cost of a direct connection.
- A direct connection would increase costs in serving rural areas without any public benefit.
- Four years later, Sprint is still unable to sell local service in Macclenny – and compete with NE-FL – because of ILEC refusal to honor its rating designation.

Indirect Interconnection

- Section 251(a) explicitly provides that carriers like CMRS and RLECs can connect “directly or indirectly.”
- The RLEC position that direct interconnection is required under FCC rules is inconsistent with Section 251(a).
- RLEC reliance on Section 251(c) is misplaced.
 - Section 251(c) imposes “additional obligations” on ILECs; it does not limit the obligations imposed under 251(a).
 - Section 251(c) is not relevant because of the Section 251(f)(1) “rural exemption.”
- The obligation to pay the costs of exchanging traffic with another carrier is not a “more burdensome” 251(c) interconnection obligation.

Direct Interconnection

- FCC Rule 20.11(a) provides that a “local exchange carrier must provide the type of interconnection reasonably requested by a mobile service licensee” (emphasis added).
- RLEC assertion that it is the incumbent that determines whether wireless carrier connects directly or indirectly is without support. *See Virginia Arbitration Order*, 17 FCC Rcd at 27085 ¶ 88 (ILEC cannot force CLEC to use direct end office interconnection even when traffic flows exceed DS-1 level). See also, Pennsylvania Commission Order, Tennessee Commission Order.

Transit

- Section 251(c)(2) requires RBOCs to interconnect with requesting carriers for the “transmission and routing of telephone exchange service and exchange access.”
- Nothing in the statute limits this obligation to the exchange of traffic with the RBOCs’ own end-user customers.
- The Section 251(a) right of indirect interconnection becomes meaningless if RBOCs can ignore their transiting obligations.
- The originating carrier – wireless carrier for M-L traffic/RLEC for L-M traffic – is responsible for paying the RBOC’s transit costs.

Right to Local Numbers

- Under FCC Rule 52.15, a carrier can obtain numbers in “each rate center or service area in which it provides telecommunications service.”
- FCC has acknowledged that to “enable the rating of incoming wireline calls as local, wireless carriers typically associate NXXs with wireline rate centers that cover either the business or residence of end-users.” *NRO NPRM*, 14 FCC Rcd at 10371 n.174.
- Industry number assignment guidelines recognize that the rating point (LEC rate center) need not be the same as the routing point (LATA tandem switch). INC-95-0407-008 at § 6.2.2.
- If RLEC customers port a number to a wireless carrier, the wireless carrier must continue to use the same rating point (rate center). *Intermodal LNP Order*, 18 FCC Rcd at 23708 ¶ 28. Separate rating and routing points are a prerequisite for LNP.

Non-Discrimination/Dialing Parity

- Section 202(a) prohibits ILECs from engaging in unreasonable discrimination.
 - FCC Rule 51.207 specifies that a LEC “shall permit” its customers to “dial the same number of digits to make a local call notwithstanding the identity of . . . the called party’s telecommunications service provider.”
 - At issue here are local land-to-mobile (L-M) calls – calls that originate and terminate in the same LEC rate center.*
 - RLEC attempts to require their customers to dial extra digits and/or incur toll charges in making a local L-M call would contravene Rule 51.207 and Section 202(a).
- * Of course, wireless customers enjoy mobility. But such mobility imposes no costs on RLECs because the interconnection point remains the same and the wireless carrier assumes the additional cost of transporting the L-M call to the wireless customer if located outside the “home” exchange at the time.

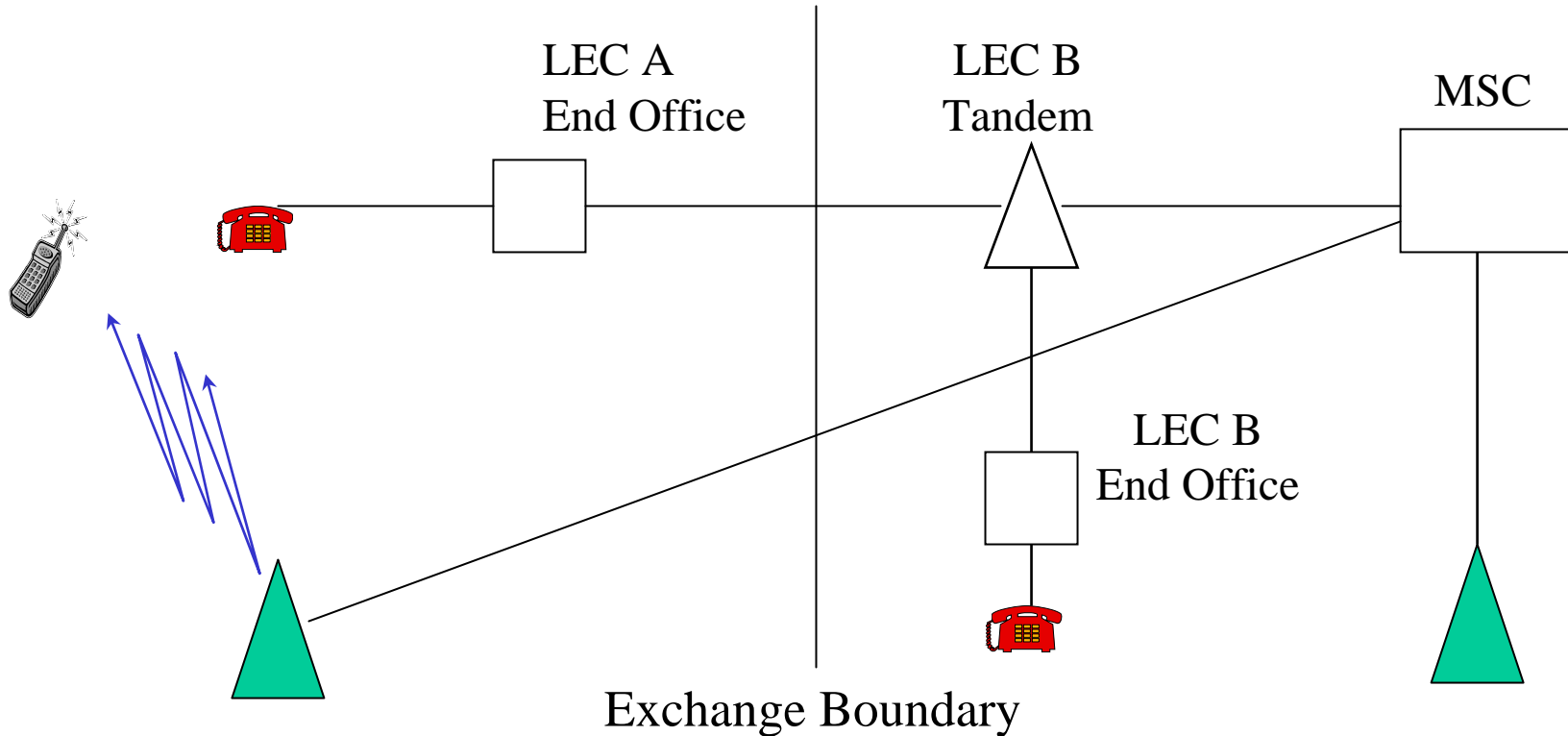
Rural Consumer Interests

- The RLEC position restricts the choices of rural consumers and retards competition in rural areas.
- The RLEC position discourages capital investment in rural areas and diverts resources to inefficient network construction.
- The RLEC position undermines the implementation of local number portability.

Relief Requested

- The Commission should reaffirm that:
 - Existing rules permit indirect interconnection;
 - ILECs cannot require direct interconnection for the exchange of local traffic;
 - ILECs must honor the rating and routing points that wireless carriers specify for L-M traffic – just as wireless carriers must honor the rating and routing points that ILECs specify for M-L traffic;
 - ILECs bear the cost of transporting L-M traffic to the same extent wireless carriers bear the cost of transporting M-L traffic;
 - Dialing parity rules require that wireless numbers (NXXs/thousands blocks) be treated in the same manner as wireline numbers.

GENERIC RATING AND ROUTING



1. CMRS provider obtains from NANPA a NPA/NXX rated from end office A rate center to serve local customers calling from home to wireless phone.
2. CMRS provider builds towers to provide wireless service in community where customer lives and markets service in LEC End Office A service area.
3. CMRS customer orders service from CMRS provider and is given a PCS number rate centered the same as LEC A End Office.
4. LEC A landline customers can call their PCS phones on a local basis.